IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.155 OF 2005
IN
WRIT PETITION NO.2604 OF 2004

Kumari Neha Kar & ors. .. .. Applicants
v/s.
The State of Mah. & ors. .. Respondents

Mr.A.M.Joshi for applicants.
Mr.A.L.Gore for res.No.2.
Ms.S.D.Burman i/by Mr.Mihir Desai for res.Nos.3 to 4.
Mrs.Deepa Chavan i/by Little & Co. for res.No.5-HSC.

CORAM : H.L. GOKHALE &
J.P.DEVADHAR, JJ.

DATED : 30th January 2006

P.C. :

1. This matter is notified for orders before this Bench in view of the order passed by us earlier on 20th December 2005. That order was passed on Review Petition No.155 of 2005 whereunder the review of the order dated 15th March 2004 passed by another Division Bench is sought. The matter was before us since those Judges were not available.

2. The order passed by the earlier Bench on 15th March 2004 required the candidates concerned to clear the 12th standard examination with mathematics from the respective Boards.

Mathematics is one of the subjects which the applicants were required to pass while seeking admission to the B.Sc. (Bio-Technology) course. The applicants had not passed the 12th standard examination with mathematics and, therefore, the Court had passed that order to enable them to pass in mathematics which they had not passed earlier.

3. The applicants have passed in the mathematics subject now from the Maharashtra State Higher Secondary Education Board (H.S.C.). We had heard the Counsel for the University on the earlier date but we wanted to hear the Counsel appearing for the H.S.C. Board. Mrs.Chavan appearing for the H.S.C. Board has pointed out that under Rule 92(5), a student is permitted to give such an examination where a subject remains to be cleared from another Board.

4. Mr.Phadnis appearing for the University states that inasmuch as the requirement is passing the 12th standard examination with mathematics as one of the subjects and since the applicants have now passed in that subject, though from another Board, the University has no objection to treat them as having acquired the necessary qualification to get the admission for B.Sc.

(Bio-Technology) course.

5. In view of the clarification given by Mrs.Chavan appearing for the H.S.C. Board as well as the statement made by Mr.Phadnis appearing for the University, we hold that passing of the mathematics subject in the 12th standard by the applicants subsequently is valid for the admission to the B.Sc. (Bio-Technology) course. We had already permitted them to receive the forms for the final year examination. Now, they will be permitted to give the examination and their results will be declared along with other students.

6. Review Petition is allowed in the above terms.

(H.L. GOKHALE, J.)

(J.P.DEVADHAR, J.)